THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2881 of 2007

Date: 09.03.2007

Between:

Pabbati Kondamma and others.

....Petitioners

And

Government of Andhra Pradesh, rep. By its Principal Secretary, Irrigation & Command Area Development (I & CAD) Department, Secretariat, Saifabad, Hyderabad and others.

....Respondents

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O R D E R:

The entire Village of Upparapalli of Gopavaram Mandal, Kadapa District was acquired, for the purpose of Somasila Project. Two notifications under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') were issued on 03.07.1995 and 25.09.1995. The corresponding declarations under Section 6 of the Act were issued on 05.11.1995 and 13.12.1995. Awards being 1 of 1997, and 2 of 1997 were passed on 13.11.1997 and 19.12.1997 respectively. The petitioners are the owners of various items of property, that was acquired. The compensation, as determined in the awards, is said to have been paid on 21.01.1999. Thereupon, the petitioners filed applications on 25.01.1999, seeking reference under Section 18 of the Act.

It is stated that the request of the petitioners was acceded to and the matters were referred to the Court of

Senior Civil Judge, Rajampet. References were returned by that Court, on the ground of jurisdiction. Thereupon, references were made to the Court of District Judge, Kadapa. Petitioners state that the references were returned on certain office objections several years ago, and till today, the respondents did not take any steps to comply with the objections, leading to a situation that the very references are likely to become infructuous. They seek necessary directions to protect their interests.

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

The request of the petitioners to refer the matter to civil Court, under Section 18 of the Act, was acceded to. However, the matter was referred to a Forum, which did not have the jurisdiction, and thereafter, it was presented to the one, which had the competence. Thereafter, the references were returned with certain office objections by the Court of District Judge, Kadapa. It was obligatory and incumbent upon the respondents to comply with the objections, so that the references are taken up on record, and adjudicated on merits. Even after a lapse of several years, the objections remained unattended to. On verification from the respondents, the learned Government Pleader stated that the references have not yet been

numbered.

On account of the inordinate delay on the part of the respondents in getting the references numbered, they have virtually defeated the rights of the petitioners under the Act. The obligation of the respondents does not end with making an imperfect reference. They can be said to have discharged their duties, only when the reference is made in the proper and perfect form. Apart from the grievance of the petitioners, such delay would have its own impact on the public exchequer. The respondents cannot be permitted to sleep over the matter indefinitely.

Hence, the Writ Petition is disposed of, directing that the respondents, and in particular, respondents 2 and 3, shall take necessary steps to ensure that the references made by them in relation to Award Nos.1 and 2 of 1997 are numbered, within two (2) months from today. It is also directed that in view of the impact of the delay on the public exchequer, any lapse, as to compliance with the above directions, shall be treated as dereliction of duties on the part of the concerned Officers. There shall be no order as to costs.

09.03.2007

JSU